UNITED STATES PATENT AND TRADEMARK OFFICE

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09/712,308	11/13/2000	Shell S. Simpson	10007660-1	8633

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EXAMINER
BRINICH, STEPHEN M

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

EXAMINER

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Commissioner for Patents

UNITED STATES PATENT AND TRADEMARK OFFICE

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Technology Center 2600

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/712,308
Filing Date: November 13, 2000
Appellant(s): SIMPSON ET AL.

Jack H. McKinney
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/30/06 appealing

from the Office action mailed 8/18/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix

to the brief is correct.

(8) Evidence Relied Upon

6903832   MAEKAWA ET AL.   6-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the

appealed claims:

1.   Claims 1, 4, 7-8, 10-15, & 17 are rejected under 35

U.S.C. 102(e) as being anticipated by Maekawa et al.

Re claims 1, 4, 7-8, 10-13, 15, & 17, Maekawa et al

discloses (column 2, line 65 - column 3, line 12; column 5, line

62 - column 10, line 44 (particularly column 5, line 64 - column

6, line 6; column 7, lines 12-16; and column 9, line 49-59); and

Figures 1 & 4-9) an arrangement in which an external device

(e.g. a computer) 101 sends instructions to a printer 102 which

are executed by the printer to carry out print jobs (in which

the printer generates a hard copy representation of data

representing an image), and the printer (specifically, the

printer controller 103) executes communication (column 3, lines

1-6; column 4, lines 55-61) with an external device 101 in order

to send instructions (instructing the external device to receive

a status indication signal, followed by the sending of the
status indication signal itself) to the external device 101 to
generate the display of a print status page that reflects this
status indication signal.

Re claim 3, the instructions are an "agent" of the printer,
insofar as they are agents through which the external device
generates a print status display in response to the printer's
instructions.

Re claims 13-15 & 17, the external device 101 is readable
upon the recited "client".

Re claim 14, Maekawa et al discloses (Figure 5) that the
printer and external device are connected by a network.

Claim Rejections - 35 USC § 103

2.   Claims 5-6, 9, 16, & 18-23 are rejected under 35 U.S.C.
103(a) as being unpatentable over Maekawa et al.

Re claims 5-6, 9, 16, & 18-23, Maekawa et al does not
disclose the specific recited formats for the instructions
(HTML, Javascript, or C-Sharp code) or the print status page
(Web page).

The selection of a particular known format for conveying or
displaying information would be a selection among equivalents of
a type judicially recognized as obvious to one of ordinary skill
in the art unless the reason for selecting one equivalent over

another was to solve an existent problem (*In re Ruff*, 118 USPQ
343).

Further re claim 19 (and dependent claims 20-23), the
interface via which the printer sends the instructions (status
indication signal) is readable upon the (not further described)
recited "I/O port".

(10) **Response to Argument**

Re claim 1, Appellant argues (Appeal Brief: page 4, line 14
- page 6, line 15, particularly page 5, line 13 - page 6, line
15) that Maekawa et al teaches a utility application previously
installed on a host computer (the "external device") that
receives status signal data from a printer. Appellant argues
that this status signal data is not readable on the recited
"executable instructions" and that the utility application (made
up of "executable instructions") in the host computer is not
sent from the printer.

While the status signal data itself does not constitute
"executable instructions", the effecting of communication of
this status signal data from the printer to the host computer as
described (column 3, lines 1-6; column 4, lines 55-61)
inherently requires that the printer send at least one
instruction (an instruction to begin receiving and processing

data) which is executed by the host computer (which receives and

processes the data).

Re claims 4-6, Appellant argues (Appeal Brief: page 6,

lines 14-15) that claims 4-6 are allowable for the same reasons

as their parent claim (claim 1).

Appellant's arguments re claim 1 have been addressed above.

Re claim 7, Appellant argues (Appeal Brief: page 6, line 16

- page 7, line 9, particularly page 6, line 27 - page 7, line 9)

that, as with claim 1, Maekawa et al does not teach the

transmission, by the server, of a set of executable instructions

to a client where the set of executable instructions is the

agent of a particular printer and are to be executed by the

client. In particular, Appellant argues that, as with claim 1,

Maekawa et al fails to teach or suggest a method that includes a

printer transmitting a set of executable instructions (thereby

making those executable instructions the "agent" of that

printer) to a computer (the "client") where the set of

executable instructions enables the computer to display a print

status page while the printer is printing the print job.

As noted above re claim 1, while the status signal data

itself does not constitute "executable instructions", the

effecting of communication of this status signal data from the

printer to the host computer as described (column 3, lines 1-6;

column 4, lines 55-61) inherently requires that the printer send

at least one instruction (an instruction to begin receiving and

processing data) which is executed by the host computer (which

receives and processes the data).

Re claims 8-10, Appellant argues (Appeal Brief: page 7,

line 9) that claims 8-10 are allowable for the same reasons as

their parent claim (claim 7).

Appellant's arguments re claim 7 have been addressed above.

Re claim 11, Appellant argues (Appeal Brief: page 7, line

10 - page 8, line 2, particularly page 7, line 21 - page 8, line

2) that, as with claim 1, Maekawa et al fails to teach or

suggest a method that includes a printer transmitting a set of

executable instructions to a computer where the set of

executable instructions enables the computer to display a print

status page while the printer is printing the print job.

As noted above re claim 1, while the status signal data

itself does not constitute "executable instructions", the

effecting of communication of this status signal data from the

printer to the host computer as described (column 3, lines 1-6;

column 4, lines 55-61) inherently requires that the printer send

at least one instruction (an instruction to begin receiving and

processing data) which is executed by the host computer (which

receives and processes the data).

Re claim 12, Appellant argues (Appeal Brief: page 8, line 2) that claim 12 is allowable for the same reasons as its parent claim (claim 11, erroneously listed as "claim 7" in the Appeal Brief).

Appellant's arguments re claim 11 have been addressed above.

Re claim 13, Appellant argues (Appeal Brief: page 8, lines 3-16, particularly lines 10-16) that, as with claim 1, Maekawa et al fails to teach or suggest a method that includes a printer transmitting a set of executable instructions to a client where the set of executable instructions enables the client to display a print status page while the printer is printing the print job.

As noted above re claim 1, while the status signal data itself does not constitute "executable instructions", the effecting of communication of this status signal data from the printer to the host computer as described (column 3, lines 1-6; column 4, lines 55-61) inherently requires that the printer send at least one instruction (an instruction to begin receiving and processing data) which is executed by the client host computer (which receives and processes the data).

Re claims 14-18, Appellant argues (Appeal Brief: page 8, lines 15-16) that claims 14-18 are allowable for the same reasons as their parent claim (claim 13).

Appellant's arguments re claim 13 have been addressed
above.

Re claims 5-6, 9, 16, & 18, Appellant argues (Appeal Brief:
page 8, lines 17-24) that claims 5-6, 9, 16, & 18 are allowable
for the same reasons as their respective parent claims (claims
1, 7, & 13).

Appellant's arguments re claims 1, 7, & 13 have been
addressed above.

Re claim 19, Appellant argues (Appeal Brief: page 8, line
25 - page 9, line 16, particularly page 9, lines 9-16) that, as
with claim 1, Maekawa et al fails to teach or suggest a method
that includes a printer transmitting a set of executable
instructions to a client where the set of executable
instructions enables the client to display a print status page
while the printer is printing the print job.

As noted above re claim 1, while the status signal data
itself does not constitute "executable instructions", the
effecting of communication of this status signal data from the
printer to the host computer as described (column 3, lines 1-6;
column 4, lines 55-61) inherently requires that the printer send
at least one instruction (an instruction to begin receiving and
processing data) which is executed by the client host computer
(which receives and processes the data).

Re claims 20-23, Appellant argues (Appeal Brief: page 9,
lines 15-16) that claims 20-23 are allowable for the same
reasons as their parent claim (claim 19, erroneously listed as
"claim 1" in the Appeal Brief).

Appellant's arguments re claim 19 have been addressed
above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified

by the examiner in the Related Appeals and Interferences section

of this examiner's answer.

For the above reasons, it is believed that the rejections

should be sustained.

Respectfully submitted,

Stephen Brinich *Stephen Brinich*

Conferees:

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